

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

DONALD R. YOUNG,

Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security

ORDER
PORTLAND DIVISION
Civil No. 09-23-AC

Defendant.

HAGGERTY, District Judge:

Magistrate Judge Acosta refers to this court a Findings and Recommendation [23] in this matter. The Findings and Recommendation recommends remanding this matter for payment of benefits. Defendant has filed no objections.

The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b). When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation of the Magistrate Judge. *Campbell v. United States Dist. Ct.*, 501 F.2d 196 (9th Cir. 1974).

No clear error appears on the face of the record. This court adopts the Findings and Recommendation in its entirety.

CONCLUSION

For the foregoing reasons, the court adopts the Findings and Recommendation [23]. The Administrative Law Judge's decision is not based upon the appropriate legal standards or substantial evidence. Crediting improperly omitted testimony establishes that plaintiff is disabled. The Commissioner's decision is reversed and remanded for the immediate calculation and award of benefits.

IT IS SO ORDERED.

DATED this 21 day of January, 2010.

/s/ Ancer L. Haggerty
Ancer L. Haggerty
United States District Judge